



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II-खंड 2
PART II-Section 2

आधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 9] नई दिल्ली, शुक्रवार, मार्च 31, 1995/ चैत्र 10, 1917
No. 9] NEW DELHI, FRIDAY, MARCH 31, 1995/CHAITRA 10, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 31st March, 1995:—

BILL No. 89 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1994.
2. After article 16 of the Constitution, the following article shall be inserted, namely:—

“16A. Notwithstanding anything in this Constitution, fifty per cent. of appointments or posts in services under the State shall be reserved for women.”.

3. After article 29 of the Constitution, the following articles shall be inserted, namely:—

“29A. Notwithstanding anything in this Constitution, fifty per cent. of seats in all educational institutions maintained by the State or receiving aid out of State funds shall be reserved for women.

Short
title.

Insertion
of new
article
16A.

Reserva-
tion of
appoint-
ments or
posts for
women.

Insertion
of new
articles
29A and
29B.

Reserva-
tion of
seats for
women in
educa-
tional
institu-
tions.

Applica-
bility of
provisions
of arti-
cles 16A
and 29A
to reserva-
tions for
SC/ST,
etc.

29B. The provisions of articles 16A and 29A shall apply to any reservation made under any law for the Scheduled Castes or the Scheduled Tribes or other backward classes of citizens in appointments or posts in services under the State or in educational institutions maintained by the State or receiving aid out of State funds.

Explanation.—For the purposes of this article law includes any ordinance, order, bye-law, rule, regulation or notification having the force of law.”.

STATEMENT OF OBJECTS AND REASONS

The decrease in sex ratio from 972 females per thousand males in 1901 to 927 females per thousand males in 1991 is due to various factors. The major factor is that parents do not favour the birth of female child as it is presumed to be a continuous burden on the family from cradle to grave. The main reason for such presumption is almost negligible independent economic status of women in the male-dominated society.

There are millions of women in distress. They are engulfed in eternal poverty, illiteracy and dependency. They are unable to enjoy the right to equality of opportunity in education, employment and inheritance. Social justice demands their liberation.

Education, more specifically professional education, is an instrument for liberation of women from the chains of economic dependency and social oppression. There is wide dichotomy between male and female in the matter of education and employment. The following male-female ratio in the enrolment of professional courses is indicative of such dichotomy.

Faculty	Male (Percentage of enrolment)	Female (Percentage of enrolment)
Agriculture	95	5
Law	90	10
Engineering and Technology	75	25
Medical	68	32

The incidences of unemployment amongst women are higher. Their percentage of employment is very low as compared to that of male. This pathetic milieu expresses the injustice that is being delivered to women in our egalitarian society.

The Bill, therefore, seeks to reserve fifty per cent. of appointments or posts in services under the State and fifty per cent. of seats in educational institutions for women.

NEW DELHI:
July 29, 1994.

P. P. KALIAPERUMAI.

BILL No. 102 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1994.

Amend-
ment of
article
243 ZD.

2. In article 243ZD of the Constitution, in clause (2), after sub-clause (b), for the existing proviso, the following provisos shall be substituted, namely:—

“Provided that the following shall be the members of such Committee:—

(i) the member or members of the House of the People representing that district;

(ii) a member of the Council of States and a member of the Legislative Council representing that State, to be nominated by the State Government;

(iii) all members of the Legislative Assembly of the State representing that district; and

(iv) the Chairperson of the Panchayat at the district level;

Provided further that not less than one-fourth of the total number of members of such Committee shall be elected, from amongst the elected members of the Panchayat at district level and Municipalities in the district in proportion to the ratio between the population of rural areas and of urban areas in the district, by such Planning Committee in its first meeting."

STATEMENT OF OBJECTS AND REASONS

By the Constitution (Seventy-fourth Amendment) Act, 1992 a provision has been made for the constitution of a District Planning Committee in every State at the district level which has been vested with the responsibility of consolidating the plans prepared by the Panchayat and the Municipalities in the district and to prepare a draft development plan for the district as a whole. The Committee consists of members who shall be elected by the elected members of the Panchayat and of the Municipalities. Although the main work of the Committee is to prepare the development plan for the district, the representatives of the people who are instrumental in the development plan of an areas have not been associated with the Committee.

Moreover, four-fifths of the members of the Committee are to be elected by the elected members of the Panchayats and the Municipalities. This provision would involve huge expenditure and avoidable wastage of man-power as it would be a big election show in the matter of election of the members.

Accordingly it is provided that the representatives of the people should be associated with the District Planning Committee and the members of the Committee shall be elected from amongst the members of the elected members of Panchayats and Municipalities.

Hence this Bill.

NEW DELHI;
August 17, 1994.

UTTAMRAO DEORAO PATIL.

BILL NO. 104 OF 1994

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1994.

Short
title
and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

37 of 1954.

2. In section 2 of the Prevention of Food Adulteration Act, 1954, in clause (v),—

Amend-
ment of
section 2.

(i) the words "and water" shall be omitted; and

(ii) after sub-clause (a), the following sub-clause shall be inserted, namely:—

"(aa) water,".

STATEMENT OF OBJECTS AND REASONS

A legislation was enacted by Parliament in 1954 to prevent food adulteration. However water, does not come under the purview of the existing law. At the time of enactment of law, soft drinks, mineral water etc. were not consumed in large quantity. Today the consumption of various soft drinks, mineral water, etc. has increased manifold. The manufacturers and sellers of soft drinks and mineral water are, by taking undue advantage of this lacunae, supplying adulterated stuff on a large scale to the consumers as a result of which the health of common man is getting adversely affected. Authorities are not able to take any action against the guilty as they are helpless.

The Bill seeks to bring water also under the purview of this Act.

NEW DELHI;

November 21, 1994.

BILL No. 109 OF 1994

A Bill to provide for the languages to be used for the official purposes of the Union, for transaction of business in Parliament and for the purposes of Central Acts and in Courts.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Official Languages Act, 1994.

(2) It shall extend to the whole of India.

(3) It shall come into force on the 26th day of January, 1995.

2. In this Act, unless the context otherwise requires,—

(a) “appointed day” means the 26th day of January, 1995;

(b) “Hindi” means Hindi in Devanagari Script;

(c) “Central Government Office” includes—

(i) any Ministry, Department or office of the Central Government;

Short
title,
extent
and com-
mence-
ment,
Defini-
tions.

(ii) any office of a Commission, Committee or Tribunal appointed by the Central Government; and

(iii) any office of a corporation or company owned or controlled by the Central Government;

(d) "Region A" means the States of Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan and Uttar Pradesh and the Union territory of Delhi;

(e) "Region B" means the States of Gujarat, Maharashtra and Punjab and the Union territories of Andaman and Nicobar Islands and Chandigarh;

(f) "Region C" means the States and the Union territories other than those referred to in clauses (d) and (e); and

(g) "three language formula" means and includes the Hindi language, the English language and the mother-tongue of the individual concerned.

3. (1) On and from the appointed day, Hindi language shall be used,—

(i) for all the official and administrative purposes in all Central Government Offices; and

(ii) for the translation of business in Parliament:

Provided that the English language shall also be used in addition to Hindi language for all official and administrative purposes of the Union, wherever deemed necessary by the Central Government.

(2) Where Hindi is used for the purposes of communication between the Union or a State which has adopted Hindi as its official language and another State which has not adopted Hindi as its official language, such communication in Hindi shall be accompanied by a translation of the same in the English language.

4. (1) All national programmes broadcast/telecast by radio and television network, owned or controlled by the Central Government shall be in the Hindi language.

(2) Where it is deemed necessary by the Central Government to broadcast/telecast a programme or some portion thereof in English or in any other Indian language, the Hindi translation of the same shall also be telecast simultaneously, through such ways and means as may be deemed fit, or broadcast as soon as possible.

5. Notwithstanding anything contained in any other law, rule, order, regulation, notification, bye-law for the time being in force, Hindi shall be the medium of instruction in all primary schools, owned or controlled or functioning under the authority of the Central or a State Government:

Provided that any other Indian language shall also be used in addition to Hindi language as a medium of instruction:

Use of
Hindi
language
for the
official
and
adminis-
trative
purpo-
ses of
the
Union
and
for the
transac-
tion of
business
in Parlia-
ment.

Use of
Hindi
in elec-
tronic
media.

Use of
Hindi
Schools.

Provided further that English language shall be taught from fifth class onwards but, however, English language shall not be used as a medium of instruction in any school owned or controlled or functioning under the authority of the Central or a State Government from the academic year beginning after the appointed day.

6. (1) A translation in English published under the authority of the President in the Official Gazette on and after the appointed day—

(a) of any Central Act or of any Ordinance promulgated by the President, or

(b) of any order, rule, regulation or bye-law issued under the Constitution or under any Central Act;

shall be deemed to be the authoritative text thereof in English.

(2) As from the appointed day, the authoritative text in the Hindi language of all Bills to be introduced or amendments thereto to be moved in either House of Parliament shall be accompanied by a translation of the same in English authorised in such manner as may be prescribed by rules made under this Act.

7. (1) On and from the appointed day,—

(i) all proceedings in the Supreme Court, and

(ii) all proceedings in High Courts located in Region 'A' and 'B', shall be in Hindi.

(iii) all proceedings in High Courts located in Region 'C' may be in English language or in the Official language of the State concerned.

(2) Every order, judgement or decree passed or made by the Supreme Court or by a High Court located in Region 'A' and Region 'B' shall be in Hindi and it shall be accompanied by a translation of the same in the English language issued under the authority of the Supreme Court.

(3) The Governor of a State located in Region 'C' may, with the previous consent of the President, authorise the use of Hindi or the official language of the State, in addition to English language, for the purposes of any judgment, decree or order passed or made by the High Court for that State and where any judgment, decree or order is passed or made in the English language or the official language of the State, it shall be accompanied by a translation of the same in the Hindi language issued under the authority of the High Court.

8. On and from the appointed day a candidate appearing at any examination for recruitment to any post or appointment in any office under the Central Government shall have the option to choose any one language included in the Eighth Schedule to the Constitution as the medium of examination:

Provided that an employee shall acquire working knowledge of Hindi and English after he has been appointed in services under the Central Government.

9. (1) The Central Government shall take effective steps to implement the three language formula in all the States in consultation with the respective State Government for facilitating mass and easy communication throughout the country.

Authori-
sed Eng-
lish trans-
lation of
Central
Acts,
etc.

Langu-
age in
Courts.

Use of
Hindi
and
regional
langua-
ges in
competi-
tive exa-
minations.

Promo-
tion of
Indian
languages.

(2) The Central Government shall make arrangements for the promotion of one of the southern languages apart from Hindi and English in the Hindi-speaking areas, and of Hindi alongwith the regional languages and English in non-Hindi speaking areas.

Power
to make
rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal
of Act
No. 19
of 1963.

11. The Official Languages Act, 1963 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The entire social and cultural development of India is possible only through its own languages. English is flourishing as a necessary evil as a result of mutual clashes between Indian languages. A particular class is continuously trying to establish its hegemony by holding on to this language. Secondly, due to English being the medium of education in our schools, our Students are average and are lagging behind, as English is not their natural medium of expression for which they have to put in extra efforts and it is an hindrance for them to pursue their education. Thirdly, and the most dangerous consequence is that we are loosing our social and cultural roots, and our best talents are working in U.S.A. and Europe.

Language is not only the medium of communication but also has to play vital role and contributes in shaping our entire culture and in the development of knowledge and science. Today, the means of communication have further enhanced the importance of language. The Britishers used language as a weapon to establish and prolong their colonial supremacy in our country.

In India about two hundred million people know the Hindi language, whereas only two million people know the English language. Even in the two coastal States of Andhra Pradesh and West Bengal, the so called non-Hindi speaking areas, where Britishers entered first, majority of the population know Hindi and only a low percentage of population understand English.

In Government offices work is not carried out in Hindi. All the Government Reports, Gazettes and Notifications are prepared, first in English and then are translated into Hindi. The translated version does not convey the exact meaning. The work could be done in Hindi in original and it will be simple, natural and could be absorbed easily and this would encourage people to work in Hindi.

The main reason for not doing work in Hindi is that we have become nabitual of copying and are following the conventions and practices laid down by the Britishers.

Today, in this age of competitiveness it is necessary that we should remain in touch with our surroundings, happenings and the new techniques around us. Means of communication can play an important role in this regard provided the programmes are broadcast in our own language. The tragedy is that the various research programmes conducted in our country are given publicity in an alien language which can be understood only by a few people living in the cities. Therefore, in order to give meaningful information about our research programmes, such programmes shall be given publicity only in Indian languages.

It is, therefore, proposed to give due recognition to Hindi and other Indian languages and to promote them to give feeling of unity and integrity and oneness among the people of our country.

Hence this Bill.

NEW DELHI;
November 16, 1994.

SURENDRA PAL PATHAK.

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides that the Central Government shall take effective steps to implement three language formula in all the States. It further provides that the Central Government shall make arrangements for the promotion of Indian languages. Some expenditure will be involved from the Consolidated Fund of India inasmuch as some teachers have to be appointed and some infrastructure has to be created for promotion of Indian languages. It is estimated that an annual recurring expenditure of about rupees two crore per annum is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of detail only the delegation of legislative power is of a normal character.

BILL No. 107 of 1994

*A Bill to repeal the Terrorist and Disruptive Activities (Prevention)
Act, 1985.*

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Terrorist and Disruptive Activities (Prevention) Repeal Act, 1994.

Short
title.

2. The Terrorist and Disruptive Activities (Prevention) Act, 1985 is hereby repealed.

Repeal
of Act
No. 31 of
1985.

STATEMENT OF OBJECTS AND REASONS

The TADA is violative of all democratic liberties. It is an anachronism in our statute book. It is, indeed, a blot on the democratic legal system.

The TADA has been grossly misused by the executive. It has caused limitless sufferings to a large number of citizens, who have fallen prey to the whims of the executive who is enforcing TADA with a vengeance for reasons not known.

The Act is unjust, undemocratic and draconian and is to be repealed forthwith .

Hence this Bill.

NEW DELHI;
November 22, 1994.

CHITTA BASU

BILL No. 105 OF 1994

A Bill further to amend the Press and Registration of Books Act, 1867.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Press and Registration of Books (Amendment) Act, 1994.

(2) It shall come into force at once.

25 of 1867.

2. After section 3 of the Press and Registration of Books Act, 1867, the following section shall be inserted, namely:—

“3A. Notwithstanding anything contained in this Act, no person, who is not a citizen of India, shall own publish, print or edit nor in any way associate with the ownership, publishing, printing or editing of any paper, newspaper or a book in India.”

Short,
title
and Com-
mence-
ment,

Inser-
tion of
new
section
3A.

Owner-
ship,
publi-
shing,
etc.
of news-
papers
and
books by
Indian
citizens,

STATEMENT OF OBJECTS AND REASONS

There is a move to allow the foreign media to have access to the Indian market within the framework of the new economic policy based on liberalisation globalisation and marketisation.

This is a dangerous move and constitutes an invasion on the realm of freedom of speech and Indian culture. Entry of foreign newspapers and news agencies would have disastrous impact on the economic viability of the Indian newspapers and news agencies.

The Government, after taking into account all the aspects, formulated the media policy in 1955-56, which did not allow the foreign media owners to start publication of any newspaper and magazine in India. The Government now seeks to qualitatively change that policy.

The entry of foreign media would pose a serious danger to India's independence and sovereignty. It is well known that by and large the foreign press has been carrying on a relentless campaign over the past many decades to denigrate independent India and to belittle her achievements.

Though, the Indian Press is competent enough to stand up to the foreign media, huge financial resources and technological advancement would push Indian media out of business. The official view that we should make efforts to compete with the foreign media sounds hypocritical.

It is reported that 'The Financial Times', 'The Economic' of Pearson Group of London and 'Time' of US Warner Group are making frantic efforts to enter into Indian market. The Pearson Group is interested to enter into collaboration with the Ananda Bazar Group of publications and Time Warner Group are in negotiations with the 'India Today'. Time desires to bring out an Indian edition. International Herald Tribune is interested in collaborating with the Hinduja Group. Rupert Mardok's News Corporation is willing to start business in India.

The Press Council of India has already protested against the move.

The Bill seeks to ban the entry of foreign media into the country.

Hence this Bill.

NEW DELHI;
November 22, 1994.

CHITTA BASU

BILL No. 98 OF 1994

A Bill further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Advocates (Amendment) Act, 1994.

(2) It shall come into force at once.

25 of 1961.

2. In section 24 of the Advocates Act, 1961, in sub-section (1), in clause (a), the proviso shall be omitted.

Short
title and
Commencement.

Amendment of
section
24.

STATEMENT OF OBJECTS AND REASONS

There is a move for opening the gates for the entry of foreign legal firms into India. Alongwith the move to allow foreign print media barons to penetrate into the newspaper world, there is also a move for intellectual subjugation and cultural invasion.

The intention of the foreign multinational Corporations is to bring within their grip the levers for mind management of Indians. They also want to control the public opinion makers. There are insidious attempts to undermine the integrity and autonomy of professional classes, including the lawyers.

The Indian legal profession has risen against this move.

The object of the Bill is to bar the entry of foreign legal firms into the country.

Hence this Bill.

NEW DELHI;
November 22, 1994.

CHITTA BASU.

BILL NO. 112 OF 1994

A Bill to prevent pre-election survey.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Publication of Pre-election Survey Act, 1994.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) "election" means an election to fill a seat or seats in either House of Parliament or either House of the Legislature of a State; and

(b) "express" means and includes expression through printing or publication in a newspaper or a magazine or a book or telecast/broadcast through television/radio network or by through other means to which the public has access.

Prohibition
of publi-
cation
of Pre-
election
survey.

3. No person shall express or cause to be expressed any opinion on the result of any election, including any caste based survey in a particular constituency, before the completion of process of election.

Punish-
ment.

4. If any person violates the provisions of section 3, he shall be punished with imprisonment for a term not exceeding five years and a fine not exceeding ten thousand rupees.

STATEMENT OF OBJECTS AND REASONS

It has been observed that during elections to Lok Sabha and Legislative Assemblies, caste based data of a particular region are often published in the newspapers without any scientific basis and on the basis of that data the forecast of victory or defeat of a candidate is published. This creates caste-based tension in the society. Similarly, the forecast of the victory or defeat of some particular party is published in the name of pre-poll opinion which affects the final results of elections. This also affects the fairness of polling and the possibilities of social atmosphere becoming poisonous are enhanced. Therefore, a legislation is needed to ensure free and fair elections.

Hence this Bill.

NEW DELHI;
November 22, 1994.

MOHAN SINGH

BILL NO. 113 OF 1994

A Bill to provide for the constitution of a States Reorganisation Commission for recommending reorganisation of the States of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the States Reorganisation Commission Act, 1994.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the States Reorganisation Commission constituted under section 3;

(b) "State" includes Union territory; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The President of India shall constitute a State Reorganisation Commission consisting of a Chairperson and four other members to consider and report on the reorganisation of the States of India.

Constitution of States Reorganisation Commission.

(2) The conditions of service of the Chairperson and other members of the Commission shall be such as may be prescribed.

(3) The Commission shall appoint such officers and staff, as may be prescribed, to assist it in the discharge of its functions.

4. The Commission shall, within a period of six months from the date of its constitution, submit its recommendations contained in a report to the President of India, who shall cause the same to be laid before each House of Parliament.

Report of the Commission.

5. The Central Government shall, with such modification and alteration in the report of the Commission, as it may deem fit, bring forward a law for implementing the recommendations made in the report of the Commission.

Central Government to bring a law on the basis of report of the Commission, power to make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

A Commission comprising three members was constituted after six years of independence for the reorganisation of States of India. The division of States was made on linguistic basis in the light of the recommendations of the said Commission. But now there are sea changes in the internal conditions of India. There have been demands from various parts of the country for creation of separate States. These demands have arisen out of the experiences that the people of India have gone through since the creation of the States on linguistic basis. Such demands for creation of new States should be given due consideration before the situation becomes explosive. It is, therefore, necessary that a Commission be constituted to report on the reorganisation of the States of India and the Government should bring forward a suitable legislation to give effect to the recommendations contained in the report of the Commission.

Hence this Bill.

NEW DELHI;
November 22, 1994

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the President of India shall constitute a States Reorganisation Commission consisting of a Chairperson and four other members to consider and report on the reorganisation of the States of India. It further provides that the Commission shall appoint such officers and staff, as may be prescribed, to assist it in the discharge of its functions. Since the salaries and allowances to be paid to the members of the Commission and to the officers and staff appointed to assist the Commission in the discharge of its functions is to be prescribed by the rules made under the Act, it is not possible to give the exact amount of expenditure that will be incurred in case the provisions of the Bill are brought into force.

However, it is estimated that a recurring expenditure to the tune of rupees ten lakh is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 103 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1994.
- (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.
2. After article 237 of the Constitution, the following article and an Explanation thereto shall be added, namely:—

“237A. (1) Notwithstanding anything in this Chapter, there shall be reservation in promotions in judicial service of a State for judicial officers belonging to the Scheduled Castes, the Scheduled Tribes and the other Backward Classes.

Short
title
and
com-
mence-
ment,

Insertion
of new
article
237A,

Reserva-
tion of
posts in
judicial
services,

(2) The number of posts reserved in promotions for judicial officers under sub-section (1) shall bear the same proportion to the total number of posts to be filled up by promotion as the total number of judicial officers, eligible to fill up those posts by promotion, and belonging to the Scheduled Castes, the Scheduled Tribes or the other Backward Classes, as the case may be, bears to the total number of judicial officers eligible to fill up those posts by promotion.

(3) Subject to the provisions of sub-section (1), reservation in promotions shall be given to the judicial officers belonging to the Scheduled Castes, the Scheduled Tribes and the other Backward Classes only once in their whole service.

Explanation.—In this article, the expression “judicial officers” means any person holding a post inferior to the post of a district judge.”

STATEMENT OF OBJECTS AND REASONS

The Government of India and various State Governments have made provision for reservation in promotions in the Central and State Government services for the scheduled Castes, the Scheduled Tribes and the other Backward Classes by official orders as a result of which people belonging to the oppressed and the backward classes are occupying higher posts by promotion. Reservation is not being provided in the Judicial services, as a result of which people belonging to weaker sections are unable to occupy higher posts in the judiciary. The provision of reservation in promotions is the only way to protect the officers belonging to these classes from harassment. Therefore, it is essential to provide for reservation in promotions to judicial officers in judicial service of a State.

The Bill seeks to achieve the above objective

NEW DELHI;
November 22, 1994

MOHAN SINGH.

BILL NO. 1 OF 1995

A Bill further to amend the Passports Act, 1967.

BE it enacted by Parliament in the forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Passports (Amendment) Act, 1995.

(2) It shall come into force at once.

2. In section 5 of the Passports Act, 1967, after sub-section (2), the following sub-section shall be added, namely:—

“(2A) Every application for the issue of a passport shall be disposed of and, subject to the other provisions of this Act, the passport authority shall issue or refuse to issue an ordinary passport within a period of thirty days of the receipt of such application:

Provided that where an application for the issue of an ordinary passport is made on the ground of an emergent visit to a foreign country or countries, the passport authority, if satisfied, shall issue or refuse to issue the passport within a period of ten days of the receipt of such application.”.

Short
title and
commence-
ment,

Amend-
ment
of section
5.

13 of 1967.

STATEMENT OF OBJECTS AND REASONS

Delay in the issue of passports has become quite evident. Since the movement of people outside the country in search of jobs and for studies, research, business and a host of other purposes has become much faster and frequent, such delay in issue of passports can cause serious mental and physical discomfort. An applicant has to wait for a long time to get an ordinary passport issued and often the purpose of visit to a foreign country is defeated due to delay in the issue of a passport.

It is, therefore, necessary to amend the Passports Act, 1967, so as to enable the citizens to get passport within a reasonable time. Further, the need to get a passport within a short period may arise in emergent situation like marriage, death etc. Suitable provision to meet such needs has also been made in the Bill.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 28, 1994.

RAMESH CHENNITHALA

BILL No. 7 OF 1995

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

short
title and
commen-
ment.

1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1995.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 2.

2. In section 2 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the principal Act), in clause (v),—

37 of 1954.

(i) the words “and water” shall be omitted; and

(ii) after sub-clause (a), the following sub-clause shall be inserted, namely:—

“(aa) water and mineral water,”.

Amend-
ment of
section 12.

3. In section 12 of the principal Act, before the existing provisos, the following proviso shall be inserted, namely:—

“Provided that water or mineral water shall be analysed by the public analyst free of cost;”.

STATEMENT OF OBJECTS AND REASONS

Water supplied by the local authorities is often found contaminated which causes serious health problems to the consumers. In cities and towns people have no alternative except to consume such contaminated water as there is no other source of supply. The local authorities are often apathetic to the serious health hazards caused by such water. Strict standards of purity of water supplied are not maintained. There is no check at various points of leakage through which impurities get into the water line. It is a matter of common knowledge that all the serious water borne diseases are caused by consuming contaminated water. But the citizens are helpless as there is no statutory right available to them to prosecute the local authorities for their negligence in treating the drinking water.

Similarly, mineral water is supplied in plastic bottles at railway stations, shops and other places. The demand for this type of water is increasing. However, there is no statutory provision under which the standard of purity of such water can be fixed. This may lead to a situation where ordinary, untreated and impure water may be bottled and sold in the name of mineral water causing serious health hazards to the consumers.

The definition of food in the prevention of Food Adulteration Act, 1954, excludes water. There is, therefore, an urgent need to bring water and mineral water within the definition of food. Such a step will enable the consumers to prosecute the callous authorities and the suppliers of spurious mineral water.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 28, 1994.

RAMESH CHENNITHALA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that a purchaser of water or mineral water may get such water or mineral water analysed free of cost by the public analyst. The Central Government and State Governments may have to appoint more public analysts for analysis of water and mineral water in case the provisions of the Bill are brought into force. As far as the States are concerned, the public analysts will be appointed by the respective State Governments and the expenditure thereupon shall be met out of their respective Consolidated Funds. However, in the case of Union territories, the public analysts shall be appointed by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees ten lakh from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 3 OF 1995

A Bill to provide for special benefits to the physically handicapped persons.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Handicapped Persons (Special Benefits) Act, 1995.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means the Central Government or the State Government, as the case may be; and

(b) “handicapped” means any person who has physical disability of a permanent nature existing since birth or caused by accident or illness and the handicap which, for such person, constitutes or results in a substantial impediment in his normal daily activities.

Free education and training to handicapped persons.

3. The appropriate Government shall provide free education and vocational training to the handicapped persons in order to enable them to seek employment.

Reservation of posts in Government services for handicapped persons.

4. The Central Government shall reserve five per cent. of posts and appointments in favour of handicapped persons in services and organisations under the control of the Central Government:

Provided that nothing in this section shall prevent the Central Government from considering the claim of a handicapped person for being considered against any unreserved vacancy for appointment to a post in services under its control if that person has a higher percentage of marks than the minimum fixed for such reserved category.

Subsistence allowance to handicapped persons.

5. The appropriate Government shall provide payment of a subsistence allowance not exceeding rupees five hundred per month to all unemployed handicapped persons.

Power to make rules.

6. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The society has a moral duty to look after the people who suffer from various physical disabilities. The disabled persons cannot enjoy a normal life and have to depend on others for support. Their physical disabilities make them objects of contempt and derision which cause them deep hurt. The lack of adequate means of livelihood make their life more miserable.

There is a long felt need for a suitable legislation to take care of the needs of these unfortunate people. The first and foremost need is to provide them free education and employment. Further, it is also necessary to provide them some money for their subsistence till they get employment.

The Bill seeks to achieve this objective.

NEW DELHI;
November 28, 1994.

RAMESH CHENNITHALA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide free education and vocational training to handicapped persons. Clause 5 provides that the appropriate Government shall provide monthly subsistence allowance not exceeding rupees five hundred to all unemployed handicapped persons. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in respect of handicapped persons residing in Union territories. The expenditure in respect of handicapped persons residing in States would be met out of the respective Consolidated Funds of the States. However, the Central Government may have to extend financial assistance to State Governments for carrying out the provisions of the Bill.

It is estimated that an annual recurring expenditure of rupees twenty crore is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 2 OF 1995

A Bill further to amend the Consumer Protection Act, 1986.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Consumer Protection (Amendment) Act, 1995.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

68 of 1986.

2. In section 13 of the Consumer Protection Act, 1986, in sub-section (4), after clause (iv), the following clause shall be inserted, namely:—

Amend-
ment of
section 13.

“(iv) issuing of any interim orders in such cases as it may deem fit;”.

STATEMENT OF OBJECTS AND REASONS

The Consumer Protection Act, 1986, is an important legislation to protect the interests of the consumers. Experience has shown that it is increasingly becoming a useful instrument to effectively deal with the suppliers of goods and services.

Under the Act, the District Forum functions as a civil court and enjoys powers as are vested in a civil court in respect of matters like summoning of witnesses, discovery and production of documents, reception of evidence on affidavits, etc. while trying cases. However, the forum has no power to issue interim orders which is a serious lacuna. It is, therefore, necessary to amend section 13 of the Consumer Protection Act, 1986, in order to vest the District Forum with the power to issue interim orders.

Hence this Bill.

NEW DELHI;
December 1, 1994.

RAMESH CHENNITHALA

Bill, No. 5 of 1995

A Bill to establish and incorporate a University at the National level for the promotion of creativity and for matters connected therewith or incidental thereto.

Enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the **Maharishi Valmiki National University Act, 1995**. Short title.

2. In this Act, and the Statutes made thereunder, unless the context otherwise requires,— Definitions.

(a) “Academic Council” means the Academic Council of the University;

(b) “Advisory Council” means Advisory Council of the University;

(c) “Board of Management” means Board of Management of the University;

(d) “Campus” means campus of the University;

(e) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence, seminars, contact programmes or the combination of any two or more of such means;

(f) "Finance Committee" means Finance Committee of the University;

(g) "Governing Body" in relation to a campus means any body "by whatever name called" charged with the management of the affairs of the campuses/colleges and recognised as such by the University;

(h) "School" means a school of studies and Faculties of the University;

(i) "Regulations" means the Regulations made by any authority of the University under this Act for the time being;

(j) "Statutes" and "Ordinances" means respectively, the Statutes and Ordinances of the University for the time being in force;

(k) "University" means "The Maharishi Valmiki National University";

(l) "Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Visitor" means respectively, the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Visitor of the Maharishi Valmiki National University.

The
Univer-
sity.

3. (1) There shall be established a University by the name of "The Maharishi Valmiki National University".

(2) The headquarter of the University shall be at Delhi and it may also establish or maintain campuses, colleges, centres, workshops at any such other places in India as it may deem fit.

(3) The first Visitor, the first Chancellor, the first Vice-Chancellor, the first Pro-Vice-Chancellor and the members of the first Board of Management, the first Academic Council and the first Planning Board shall be persons who may hereafter become such officers or members and so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Maharishi Valmiki National University".

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

Objects
of the
Univer-
sity.

4. (1) The Object of University shall be to advance and disseminate knowledge by a diversity of means; to use and apply knowledge for solving problems of any community, particularly Safai Karamcharis, to encourage higher and distance education system and to co-ordinate and determine the standards in such systems.

(2) The University shall, in organising its activities, have due regard to the objects specified in the First Schedule.

5. (1) The University shall have the following powers, namely:—

Powers
of the
Univer-
sity.

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research in humanity, sciences, medicine and law;

(ii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;

(iii) to hold examinations and confer degree/diplomas, certificates or for any other academic distinctions or recognition on persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances;

(iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes;

(v) to determine the manner in which distance education and higher education in relation to the academic programmes of the University may be organised;

(vi) to determine the manner in which the creativity systems in higher education shall be evolved to make the students intelligent and independent in forming opinion and making judgement;

(vii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;

(viii) to establish and maintain such Campuses and Regional Centres as may be determined by the University from time to time;

(ix) to recognise campuses and Study Centres in the manner laid down by the Statutes;

(x) to recognise examinations of or periods of study (whether in full or part at other Universities, institutions or other places of higher learning) as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;

(xi) to make provisions for research and development in educational technology and related matters;

(xii) to create administrative, ministerial and other necessary posts and to make appointments thereto;

(xiii) to receive benefaction, donations and gifts and to acquire, hold, maintain and dispose of any property, moveable or immovable, including trust and Government property, for the purposes of the University;

(xiv) to borrow, whether on the security of the property of the University or otherwise, money for the purposes of the University and to enter into, carry out or cancel, contracts;

(xv) to demand and receive such fees and other charges as may be laid down by the Ordinance;

(xvi) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluations and any other method of testing; and

(xvii) to set up study centres based on ancient culture and life style and to inculcate moral values among teachers and students.

(2) Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub-section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the University Education and distance education system and for the determination of standards of teaching, evaluation and research in such systems.

Jurisdiction.

6. The University shall in the exercise of its powers have jurisdiction over the whole of India.

Preference in admission to Safai Karamcharis.

7. The University shall be open to all persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any condition whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University, or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that fifty per cent. of posts and seats in the University and in educational institutions functioning under the University shall be reserved for Safai Karamcharis, their children and other dependents.

The Visitor.

8. (1) The President of India shall be the Visitor of the University.

(2) The Visitor may from time to time appoint one or more persons to review the work and progress of the University, including Campuses, Colleges and Institutions managed by it, and to submit a report thereon; and upon receipt of that report the Visitor may, after obtaining the views of the Board of Management thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipments and of any college or institution or campus maintained by the University and also of the examination, teaching and other work conducted or done by the University and to cause an enquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, campuses, colleges or Institutions.

(4) The Visitor may delegate these powers to the Chancellor of the University.

(5) The Visitor and the Chancellor shall have such other powers as may be prescribed by the Statutes.

9. The following shall be the officers of the University:—

Officers
of the
Univer-
sity.

- (1) The Chancellor;
- (2) The Vice-Chancellor;
- (3) The Pro-Vice-Chancellor;
- (4) The Directors of Schools;
- (5) The Registrar;
- (6) The Finance Officer;

(7) Such other officers as may be declared by the Statutes to be Officers of the University.

10. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The Chan-
cellor.

(2) The Chancellor shall by virtue of his office be the Head of the University.

(3) The Chancellor shall if present, preside at the convocation of the University held for conferring degrees.

(4) The Chancellor shall exercise the powers of the Visitor which are delegated by the Visitor to the Chancellor.

11. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The Vice-
Chancellor.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

12. The Pro-Vice-Chancellor shall be appointed by the Chancellor and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The
Pro-Vice-
Chancellor.

13. Every Director of a School shall be appointed in such manner on such emoluments and other conditions of service and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

Dirac-
tors of
schools.

14. (1) The Registrar and Finance Officer and Other Officers shall be appointed in such manner on such emoluments and other conditions of service as may be prescribed by the Statutes.

Registrar,
Finance
Officer
and other
officers.

(2) The Registrar empowered by the Board of Management shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University.

(3) The Finance Officer and other Officers shall exercise such powers and perform such functions as may be prescribed by the Statutes.

Author-
ities
of the
Univer-
sity.

15. The following shall be the authorities of the University:

- (1) The Board of Management;
- (2) The Advisory Council of the University;
- (3) The Academic Council;
- (4) The Planning Board;
- (5) The School of Studies;
- (6) The Finance Committee;

(7) Such other authorities as may be declared by the Statutes to be the authorities of the University.

The
Board of
Manage-
ment.

16. (1) The Board of Management shall be the principal executive Body of the University.

(2) The constitution of the Board of Management, the terms of office of its members and its powers and functions shall be prescribed by the Statutes.

The
Advisory
Council.

17. (1) The Advisory Council shall be the advisory body to aid and advise the University to perform the functions.

(2) The Constitution of the Advisory Council, its powers and functions shall be prescribed by the Statutes.

The
Academic
Council.

18. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of the Act, the Statutes and the Ordinances, have the control and general regulation and be responsible for the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

(2) The constitution of the Academic Council and the terms of office of its members shall be prescribed by the Statutes.

The
Planning
Board.

19. (1) There shall be constituted a Planning Board of the University which shall be the principal planning body of the University and shall be responsible for the monitoring of the development of the university on the lines indicated in the objects of the University.

(2) The constitution of the Planning Board, the terms of office of its members and its powers and functions shall be prescribed by the Statutes.

The
Schools
of
Studies.

20. (1) There shall be such number of Schools of studies as the University may determine from time to time

(2) The constitution, powers and functions of the Schools of Studies shall be prescribed by the Statutes.

21. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

The
Finance
Commit-
tee.

22. The constitution, powers and functions of the other authorities which may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

Other
authori-
ties
of the
Univer-
sity.

23. Subjects to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power
to make
Statutes.

(a) the manner of appointment of the Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him;

(b) the manner of appointment of the Vice-Chancellor the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised by him;

(c) the manner of appointment of Directors of Schools, the Registrar, the Finance Officer and other Officers the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;

(d) the constitution of the Board of Management, Advisory Council and other authorities of the University, the powers and functions that may be exercised and performed by such authorities;

(e) the appointment of teachers and other employees of the University, their emoluments and other conditions of service;

(f) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

(g) the principles of governing the seniority of services of the employees of the University;

(h) the procedure in relation to any appeal or application for review by any employee or student of the University against the action of any officer or authority of the University, including the time within which such appeal or application for review shall be preferred or made;

(i) the procedure for the settlement of disputes between the employees or students of the University;

(j) the conferment of autonomous status on Colleges and Study Centres and Campuses;

(k) the co-ordination and determination of standards in the distance education system of the University.

(l) all other matters which by the Act are to be or may be prescribed by the Statutes.

Statutes
how to
be made.

24. (1) The first Statutes are those set out in the Second Schedule.

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1).

Power
to make
Ordinan-
ces.

25. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and the like.

(2) The first Ordinance shall be made by the Vice-Chancellor with the previous approval of the Visitor and Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the Statutes.

Regula-
tions.

26. The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

Annual
report.

27. The University shall publish annual report and shall submit it to the Visitor within one month from the expiry of the relevant financial year.

Annual
accounts
and audit
report.

28. (1) The annual accounts and the balance sheet of the University shall be prepared under the direction of the Board of Management and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or such person or persons as he may authorise in this behalf.

(2) A copy of the accounts together with the audit report shall be submitted to the Visitor alongwith the observations if any, of the Board of Management.

(3) Any observations made by the Visitor on the annual accounts shall be brought to notice of the Board of Management and the views of the Board of Management, if any, on such observations shall be submitted to the Visitor.

Transit-
ional
provi-
sion.

29. The first appointment of Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, Registrar, Finance Officer shall be made by the Visitor and they may be considered as appointed under Statutes of the University.

THE FIRST SCHEDULE

(See section 4)

THE OBJECTS OF THE UNIVERSITY

1. The University is established to reform education system.
2. The University is established to create leadership and ability particularly among Safai Karamcharis and the education shall be based on creativity in education.

3. The University is established mainly to cater to the needs of the Safai Karamcharis and it will solve the problems of the society through its education system.

4. This University is established mainly to promote education among Safai Karamcharis in addition to the education which is imparted to this community in other Universities.

THE SECOND SCHEDULE

(See section 24)

STATUTES OF THE UNIVERSITY

The Visitor.

1. (1) The President of India shall be the Visitor of the University and all the policies, Statutes, Ordinances shall be implemented after the approval of the Visitor.

(2) All rules and regulations shall come into force after approval of the Visitor.

(3) The Visitor shall appoint the Chancellor of the University, the Vice-Chancellor, the Pro-Vice-Chancellor and other Officers of the University.

The Chancellor.

2. (1) There shall be a Chancellor of the University who shall be appointed by the Visitor.

(2) All the functions of the University shall be carried out in the name of the Chancellor.

(3) The Chancellor shall be the head of all the Councils.

(4) The Vice-Chancellor, Pro-Vice-Chancellor, Head of the Councils and other Departments shall be appointed by the Visitor on the recommendation of the Chancellor.

The Vice-Chancellor.

3. (1) The Vice-Chancellor shall be a whole time salaried officer of the University and he shall be appointed by the Visitor for a term of three years.

(2) The retirement age of the Vice-Chancellor shall be sixty-five years.

(3) The salary and other terms and conditions of his service shall be such as applicable to Vice-Chancellors of Universities established by the Central Government.

(4) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor and if there is no Pro-Vice-Chancellor, the senior-most Director shall perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until

the existing Vice-Chancellor attends to the duties of his office as the case may be.

Powers and functions of the Vice-Chancellor.

4. (1) The Vice-Chancellor shall be the *ex-officio* Vice-Chairman of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(2) The Vice-Chancellor shall be entitled to be present at, address, any meeting of any other authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, Statutes, Ordinances and Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered to grant leave of absence to any officer of the University and make necessary arrangements for the discharge of the functions of such officer during the absence.

(7) The Vice-Chancellor shall grant leave of absence to any employee of the University in accordance with the rules and if he so desire delegate such powers to another Officer of the University.

(8) The Vice-Chancellor, only on the advice of Chancellor, shall have the power to convene or cause to be convened the meetings of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely:—

(i) to recommend to the Chancellor to appoint such Professors, Readers, Lecturers and other teachers as may be necessary with the prior approval of the Board of Management;

(ii) to appoint course writers, script writers, counsellors, programmers, artists and such other persons as may be considered necessary for the efficient functioning of the University;

(iii) to make short-term appointments for a period not exceeding six months at a time of such persons as may be considered necessary for the functioning of the University;

(iv) to arrange for the establishment and maintenance of Regional and Study Centres, Campuses and other Departments at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

The Pro-Vice-Chancellor

5. (1) The Pro-Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Board of Management.

(2) The term of office of the Pro-Vice-Chancellor shall be such as may be decided by the Board of Management, but it shall not in any case exceed three years or until the expiration of the term of office of the Vice-Chancellor whichever is earlier and he shall be eligible for re-appointment.

(3) The retirement age of the Pro-Vice-Chancellor shall be sixty-five years and the salary and other terms of conditions of his service shall be such as applicable to Pro-Vice-Chancellors of other Universities established by the Central Government.

The Directors of Schools

6. (1) Every Director of a school shall be appointed by the Board of Management on the recommendation of Vice-Chancellor and the Committee constituted for this purpose.

(2) Every Director shall be whole-time salaried officer of the University.

(3) A Director shall exercise such powers and perform such functions as may be prescribed by the Ordinances.

The Registrar

7. (1) Every Registrar shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The emoluments and other conditions of service of a Registrar shall be prescribed by the Ordinances:

Provided that a Registrar shall retire on attaining the age of sixty years.

(3) A Registrar designated by the Board of Management shall have power to take disciplinary action against such of the employees excluding teachers and other members as may be specified by the Board of Management by order.

(4) An appeal shall lie to an officer so designated by the Board of Management against any order made by the Registrar in pursuance of clause (3).

(5) In cases where an inquiry disclosed that a punishment beyond the powers of a Registrar is called for, the Registrar shall, consequent on the inquiry, make a report to the Vice-Chancellor along with his recommendations for such action as the Vice-Chancellor may deem fit:

Provided that an appeal shall lie to the Board of Management against an order of the Vice-Chancellor imposing any penalty.

(6) Such of the Registrars as are designated by the Board of Management shall be—

- (i) the Secretary to the Board of Management;
- (ii) the Member-Secretary of the Academic Council;
- (iii) the Member-Secretary of the Planning Board.

(7) A Registrar so designated shall:

(a) be the custodian of the records, the common seal and such other properties of the University as the Board of Management may commit to his charge;

(b) issue notices and convene meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by those authorities;

(c) keep the minutes of the meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by such authorities;

(d) conduct the official proceedings and correspondence of the Board of Management, the Academic Council and the Planning Board;

(e) supply to the Visitor, a copy of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(f) represent the University in suits or proceedings, by or against the University, sign power of attorney, verify pleadings and depute his representative for the purpose;

(g) perform such other functions as may be specified in the Statutes, Ordinances or Regulations or as may be required from time to time by the Board of Management or the Vice-Chancellor.

The Finance Officer

8. (1) The Finance Officer shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University and shall work under the control of the Vice-Chancellor.

(2) The emoluments and other conditions of service of the Finance Officer shall be prescribed by the Ordinances.

(3) When office of the Finance Officer is vacant or when the Finance Officer is by reason of ill health, absence or any other cause unable to perform his functions as Finance Officer, his functions shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall,—

(a) exercise general supervision of the funds of the University and advise it as regards its financial policies; and

(b) perform such other financial functions as may be assigned to him by the Board of Management or as may be prescribed by the Statutes or the Ordinances;

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding rupees one lakh without the previous approval of the Board of Management.

(5) Subject to the control of the Vice-Chancellor and the Board of Management, the Finance Officer shall—

(a) hold and manage the properties and investments of the University, including trust and immovable properties for fulfilling any of the objects of the University;

(b) ensure that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and the money is expended or spent for the purposes for which it was granted or allotted;

(c) be responsible for the preparation of the annual accounts and the budget of the University and for their presentation to the Board of Management after they have been considered by the Finance Committee;

(d) keep a constant watch on the cash and bank balances and investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of properties of the University are maintained properly and that stock checking is conducted of equipments and other materials in the offices of the University including Regional Centres, Study Centres and other institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor any unauthorised expenditure or other financial irregularities and suggest appropriate action against persons at fault; and

(h) call from any office of the University, including Regional Centres, Study Centres and other institutions maintained by the University, any information or reports that he may consider necessary for the performance of his functions.

(6) Any receipt given by the Finance Officer or by the person duly authorised in this behalf by the Board of Management shall be a sufficient discharge for payment of moneys to the University.

9. (1) The Board of Management shall consist of the following members, namely:—

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) two employees of the University to be nominated by Chancellor;

(v) One representative of Safai Karamcharis;

(vi) One representative of technical educationists;

(vii) One person representing commerce/industry;

(viii) One eminent jurist to represent Safai Karamcharis;

(ix) and Four representatives one each from Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council to be nominated by the respective Presiding Officer to represent Safai Karamcharis;

(x) One representative student of the University;

(xi) One representative of the Central Government.

(2) The term of office of the members of the Board of Management from Sl. Nos. (i) to (iv) and (vii) to (xi) shall be three years and they shall be eligible for reappointment.

Powers and functions of the Board of Management.

10. (1) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances the Board of Management shall, in addition to the other powers vested in it under the Statutes, have the following powers, namely:—

(a) to create teaching and other academic posts and to define the functions and conditions of service of Professors, Readers, Lecturers and other teachers and other academic staff employed by the University;

(b) to prescribe qualifications for teachers and other academic staff;

(c) to approve the appointment of such Professors, Readers, Lecturers and other teachers and academic staff as may be necessary on the recommendation of the Selection Committee constituted for the purpose;

(d) to specify the manner of appointment to temporary vacancies of academic staff;

(e) to approve appointments to temporary vacancies of any academic staff;

(f) to provide for the appointment of visiting Professors, eminent Professors, fellows, artists and writers and determine the terms of conditions of such appointments;

(g) to manage and regulate the finances, accounts, investments property of the University and all other affairs to the University and to appoint such agents as may be considered fit;

(h) to invest any money belonging to the University, including any unapplied income, in such stocks, funds shares or securities as it thinks fit or in the purchase of immovable property in India with like power or varying such investment from time to time:

Provided that no action under this clause shall be taken without consulting the Finance Committee;

(i) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the manner of appointment thereto;

(j) to regulate and enforce discipline amongst the employees in accordance with the Statutes and Ordinances;

(k) to transfer or accept transfers of any immovable or movable property on behalf of the University;

(l) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reason, feel aggrieved;

(m) to fix the remuneration payable to course writers, councillors, examiners and invigilators, and travelling and other allowances payable, after consulting the Finance Committee;

(n) to select the common seal for the University and to provide for the use of such seal;

(o) to delegate any of its powers to the Vice-Chancellor, Pro-Vice-Chancellor, Registrar, the Finance Officer or any other Officer, employee or authority of the University, or to a Committee appointed by it;

(p) to institute fellowships, scholarships, students-ships; and

(q) to exercise such other powers and perform such other functions as may be conferred or imposed on it by the Act or the Statutes.

(3) The Board of Management shall exercise all the powers of the University not otherwise provided for by the Act, Statutes Ordinances and the Regulations for the fulfilment of the objects of the University.

The Academic Council

11. (1) The Academic Council shall consist of the following members namely:—

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) Directors of Schools of Studies;

(v) Two teachers, other than Directors of School of Studies, to be nominated by the Board of Management on the recommendations of the Vice-Chancellor;

(vi) Seven Directors, other than the Directors of Schools of Studies, to be nominated by the Board of Management on the recommendations of the Vice-Chancellor;

(vii) Librarian;

(viii) A registrar, designated by the Board of Management, shall be the member-Secretary of the Academic council; and

(ix) Ten persons, who are not employees of the University, co-opted by the Academic Council for their special knowledge, including representatives of employers' organisations, industries, trade and commerce, academic and professional organisations and communication field:

Provided that the total membership of the Academic Council shall not exceed thirty.

(2) The members of the Academic Council, other than *ex-officio* members, shall hold office for a term of two years from the date of their appointment or co-option, as the case may be.

(3) Ten members of the Academic Council shall form the quorum for a meeting.

Powers of the Academic Council

12. Subject to the Act, the Statutes and the Ordinances, the Academic Council, shall in addition to all other powers vested in it under the Statutes have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation, research or improvement in academic standards;

(b) to consider matters of general academic interest either on its own initiative or on a reference from the Planning Board or a School of Studies or the Board of Management and take appropriate action thereon; and

(c) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functions of the University, including discipline, admissions, award of fellowships and studentships, fees and other academic requirements.

The Planning Board

13. (1) The Planning Board shall consist of the following:

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) Two persons to be nominated by the Chancellor from amongst the academic staff of the University;

(v) Five persons who are not employees of the University, to be nominated by the Visitor, one each representing the following sectors:

(a) Vocational|Technical Education;

(b) Media|Communication;

(c) Manpower Planning;

(d) Agriculture/Rural Development and allied activities;

(e) Women's Studies;

(f) Two students to represent Safai Karamcharis.

(vi) Five persons who are not employees of the University, to be nominated by the Board of Management for their expertise, one each to represent the following areas of specialisation:

(a) Management;

(b) Professions;

(c) Education;

(d) Distance Education;

(e) Commerce and Industry;

(f) Engineering|Technology; and

(g) Medicine.

(2) The term of the Planning Board shall be three years.

The Schools of Studies

14. (1) The University shall have the following Schools of Studies, namely:—

(a) School of Humanities;

(b) School of Social Sciences;

(c) School of Sciences;

(d) School of Education;

(e) School of Continuing Education;

(f) School of Engineering and Technology;

(g) School of Management Studies;

(h) School of Health Sciences;

(i) School of Agriculture, Environment and Forest; and

(j) Such other Schools as may be set up by the Statutes.

(2) Every School of Studies shall have a Board and the powers and functions of the Board of Schools shall be made by Ordinances and Statutes.

The Finance Committee

15. (1) The Finance Committee shall consist of the following members, namely:—

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Pro-Vice-Chancellor of the University;
- (iv) A Director of School of the University by rotation;
- (v) one person, who is not an employee of the University, to be appointed by the Board of Management from among its members;
- (vi) one person, who is not an employee of the University, to be nominated by the Board of Management;
- (vii) two persons to be nominated by the Visitor;

(2) The Finance Officer shall be the *ex-officio* Secretary of the Finance Committee, but he shall not be deemed to be a member of that Committee.

(3) All the members of the Finance Committee other than the Chancellor shall hold office for a term of three years from the dates on which they become members of the Committee.

(4) Four members of the Finance Committee shall form a quorum for a meeting of the Committee.

(5) The Finance Committee shall meet at least thrice a year to examine the accounts and scrutinise the expenditure.

(6) All proposals relating to revision of grade, upgradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Board of Management within the overall time-limit fixed by the Committee.

(8) The Finance Committee shall fix the limits for the total recurring and non-recurring expenditure for the year, based on income and resources of the University and no expenditure shall be incurred by the University in excess of the limits so fixed.

(9) Constitution, Powers and Functions of the following Committees. Council and Board shall be prescribed by the Statutes, Ordinances of the University after establishment of the University—

- (a) Selection Committee;
- (b) General Provident Fund-cum-Pension-Cum-Gratuity Scheme;
- (c) Contributory Provident Fund-Cum-Gratuity Scheme.

STATEMENT OF OBJECTS AND REASONS

Majority of the Universities of the country only disseminate knowledge and they do not promote creativity, morality, teacher-pupil relationship and education in ancient and modern sciences amongst the students.

The Bill proposes to establish Maharishi, Valmiki University, which will be a Central University, with a view not only to disseminating knowledge but also promoting creativity amongst the students and teach them the use and application of knowledge for solving problems of the society and in particular of the Safai Karamcharis.

It has been seen that proper attention has not been paid to the educational requirements of Safai Karamcharis who constitute a large chunk of our population and who mostly belong to lower strata of the society. Therefore, it is proposed to reserve fifty per cent of seats in all educational institutions established by the proposed University for Safai Karamcharis.

The Bill seeks to achieve the above objectives.

NEW DELHI;
December 8, 1994.

MANGAL RAM PREMI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Central University to be known as Maharishi Valmiki National University. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India in respect of setting up of the University, study centres, etc. and other administrative expenditure. It is estimated that an annual recurring expenditure of rupees one hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill provides that the first Statutes are those set out in the Second Schedule to the Bill. It also empowers the Board of Management to make a new or additional Statutes or amend or repeal the Statutes of the University. Clause 25 empowers the Vice-Chancellor of the University to make the first Ordinances of the University with the previous approval of the Visitor and provides that the Ordinances so made may be amended, at any time by the Board of Management in the manner prescribed by the Statutes. Clause 26 of the Bill enables the authorities of the University to make Regulations, consistent with the Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them.

The matters, for which Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is hardly possible to provide for them in the Bill.

The delegation of legislative powers is, therefore, of a normal character.

BILL NO. 8 OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1995.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 39 of the Constitution, clauses (b) and (c) shall be omitted.

Amend-
ment of
article
39.

3. After article 39A of the Constitution, the following article shall be inserted, namely:—

Inser-
tion of
new
article
39B.

“39B. (1) The State shall, in particular, direct its policy towards securing—

Provi-
sion of
economic
justice.

(a) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; and

(b) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

(2) The State shall, with a view to achieving the objectives as enshrined in clause (1), endeavour to generate employment and provide necessary facilities for self-employment.”.

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution of India provides that the State shall direct its policy so that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. This no doubt comes under the Directive Principles of State Policy but the operation of the country's economic policies over the years has resulted in concentration of wealth in the so called "industrial houses" big or small and in groups of families and their kith and kin. The rich are becoming richer and the vast majority of people are deprived of access to the means of production of wealth and their living standards remain comparatively low. The employment generation schemes are touching only the fringe of the problem of providing gainful means of livelihood to large sections of the people of the country.

It is, therefore, desirable that the Government should undertake constructive employment generation schemes and provide necessary facilities for self-employment. The Government should give industrial licences, export and import licences, telephone booths for operating telephone services, petrol stations, L.P.G. agencies, ferry transport services, etc. to those individuals and members of their families who have not been benefited by such projects.

The Bill seeks to achieve the above objective.

NEW DELHI;
December 16, 1994.

M. KRISHNASWAMY

BILL No. 11 OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1995.

Short
title.

2. In article 269 of the Constitution, in clause (1), after sub-clause (f), the following sub-clause shall be inserted, namely:—

Amend-
ment of
article
269.

“(fa) taxes on advertisements broadcast by radio or television;”.

3. In article 270 of the Constitution, in clause (4), for sub-clause (a), the following sub-clause shall be substituted, namely:—

Amend-
ment of
article
270.

“(a) “taxes on income” includes a corporation tax;”.

Substitution of new article for article 271.

4. For article 271 of the Constitution, the following article shall be substituted, namely:—

Surcharge on certain duties or taxes to be distributed between the Union and the States.

“271. Notwithstanding anything in articles 269 and 270, Parliament may at any time increase any of the duties or taxes referred to in those articles by a surcharge and such percentage of the net proceeds in any financial year of any surcharge on any duty or tax, as may be prescribed, shall be distributed among the States in such manner as may be recommended by the Finance Commission constituted under article 280.”.

Insertion of new article 272A.

5. After article 272 of the Constitution of India, the following article shall be inserted, namely:—

Customs duty to be distributed between the Union and the States.

“272A. Custom duty shall be levied and collected by the Government of India and such percentage of the net proceeds of such duty shall be distributed among all the States in such manner as Parliament may by law determine.”.

Substitution of new article for article 280.

6. For article 280 of the Constitution, the following article shall be substituted, namely:—

Finance Commission.

“280. (1) The President shall, within two years from the commencement of this Constitution and thereafter at the expiration of every fifth year or at such earlier time as the President considers necessary, by order constitute a Finance Commission.

(2) The Commission shall consist of.

(a) a Chairman to be appointed by the President;

(b) one representative from each State to be nominated by the Governor of that State; and

(c) such number of experts from various fields as may be appointed by the President.

(3) Parliament may by law determine the qualifications which shall be requisite for appointment as members of the Commission and the manner in which they shall be selected.

(4) It shall be the duty of the Commission to make recommendations to the President as to,—

(a) the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them under this Chapter and the allocation between the States of respective shares of such proceeds;

(b) the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India:

Provided that the Commission shall, while making recommendations under sub-clauses (a) and (b), take into consideration the regional disparities;

(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;

(d) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State:

(e) any other matter referred to the Commission by the President in the interests of sound finance.

(5) The Commission shall submit its recommendations to the President within a period of one year from the date of its constitution.

(6) The Commission shall determine its procedure and shall have such powers in the performance of its functions as Parliament may by law confer on it."

7. In the Seventh Schedule to the Constitution, in List I—Union list, after entry 92B, the following entry shall be inserted, namely:—

"92C. Taxes on advertisements broadcast by radio or television."

Amend-
ment of
Seventh
Schedule.

STATEMENT OF OBJECTS AND REASONS

The resources allocated to the States, under the present dispensation, are not adequate to enable them to discharge their responsibilities.

The resources of States are relatively inelastic. The tax-base is also very narrow. Sales tax alone, and to a lesser extent, State excise duties, exhibit some degree elasticity, which, again, hurts the interests of the common man.

The Constitution has assigned to the States the responsibility for building up vital social and industrial infrastructure, which is an essential prerequisite for rapid socio-economic development. The States are responsible for rural development, education, medical and public health facilities, welfare of Scheduled Castes and Scheduled Tribes, etc. Further, they have to spend large sums on the development of roads, generation and distribution of power, etc. which are essential for industrial development. These responsibilities, particularly the creation of social infrastructure, involve large investments which do not yield immediate or direct returns. The maintenance cost of the social and economic infrastructure has also increased by leaps and bounds. Apart from that the expenditure, on non-developmental activities like maintenance of law and order has also increased enormously, particularly in the wake of emergence of fissiparous tendencies and divisive forces. Over the years the general administrative costs have risen steadily and they form a large part of the States expenditure. Continuing inflation has made the situation worse. Faced with high cost of administration and inflation, the gap between the resources and needs of the States continue to widen, resulting in dependence of the States on the Centre indicating the built in weaknesses in the existing system. There is, therefore, an urgent need to remove the weakness in financial relations between the Union and the States.

It is felt that there is a need to restructure the financial relations between the Union and States in order to (a) enable the States to discharge their responsibilities properly, and (b) to ensure correspondence between their obligations and resources.

The Bill seeks to achieve the above objectives.

NEW DELHI;

February 15, 1995,

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that experts from various fields shall also be associated with the Union Finance Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of additional expenditure to be incurred regarding salaries and allowances, to experts, etc. It is estimated that an annual expenditure of about rupees three lakh is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one lakh is also likely to be involved.

BILL No. 9 OF 1993

A Bill to amend the Acquisition of Certain Area at Ayodhya Act, 1993.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Acquisition of Certain Area at Ayodhya (Amendment) Act, 1993.

(2) It shall come into force with immediate effect.

Amend-
ment of
section
1.

2. In section 1 of the Acquisition of Certain Area at Ayodhya Act, 1993, in sub-section (2), for the words and figures "the 7th day of January, 1993", the words and figures "the 6th day of December, 1992" shall be substituted.

33 of 1993

STATEMENT OF OBJECTS AND REASONS

As the Acquisition of Certain Area at Ayodhya Act, 1993, which was passed by the Lok Sabha on 24th March, 1993 and the Rajya Sabha on the 29th March, 1993 and was assented to by the President of India on 3rd April, 1993, stands, it is deemed to have come into effect on the 7th day of January, 1993. This date is the foundation stone of substantial provisions in the Act because from this date, the right, title and interest in relation to the area in Ayodhya acquired by the Central Government stands transferred to and vested in the Central Government. Similarly, it is from this date that any suit, appeal or other proceedings in respect of the right, title or interest relating to the acquired area pending before any court, tribunal or other authority abates. Again, the Act obliges the Central Government to ensure that the position existing before the commencement of this Act on the Babri Masjid site is maintained.

Except for the fact that the Government of India announced a set of proposals for dealing with the situation which had arisen consequent upon the unlawful demolition of the Babri Masjid on 6th December, 1992, the date of 7th January, 1993 has no sanctity or importance, legal, factual or otherwise. The act of demolition was perpetrated on 6th December, 1992 in violation of the public commitment made by the State Government to the Supreme Court, the Central Government and the National Integration Council to protect the Babri Masjid and in contravention of the duty imposed upon it by the Constitution. By Presidential Proclamation, the State Government was dismissed and the State was placed under President's Rule on 6th December, 1992 itself, a little while after the demolition was effected.

Our jurisprudence recognises the principle of restitution which is enshrined in our Civil Procedure Code. However, instead of restoring the Babri Masjid, whose title was in dispute, the Central Government allowed the demolition squad to clear the debris, construct a platform on the site of demolished masjid and establish a temporary shrine in which the idols which had been removed from the Babri Masjid were replaced, in yet another act of unlawful trespass.

Law, Justice and equity demand that the *status quo ante* be restored and maintained until the final adjudication on the question of title as ordered by the Supreme Court in its historic judgement of 21st October, 1994, keeping in view that the Supreme Court has upheld the acquisition of the area by

the Central Government but has designated it as the Statutory Receiver until such time as the title is decided.

It follows that the transfer and vesting of the property should take effect from the date when the demolition took place.

It may be clarified that nothing in the law as stated by the Supreme Court bars the acquisition of this land by the Central Government even before the promulgation of the President's Rule.

Hence this Bill.

NEW DELHI;
February 14, 1995.

SYED SHAHABUDDIN

K. C. BHARDWAJ
Secretary-General.